Case 2:05-cv-04545-BMS Document 5 Filed 09/22/05 Page 1 of 42



Telephone (610) 954-8093

Law Offices

Donald P. Russo

117 East Broad Street P.O. Box 1890

Bethlehem, Pennsylvania 18016-1890 russolaw@verizon.net



Telefax (610) 954-8097

September 20, 2005

ATTN: Kim Williams, Clerk's Office United States District for the Eastern District of Pennsylvania 601 Market St., Room #2609 Philadelphia, PA 19106-1797

Re:

Heater v. Kidspeace

No. -04-4545

Dear Ms. Williams:

FILED

SEP 2 2 2005

MICHAEN E. KUNZ, Clerk

Dep. Cleri

As per our conversation this morning, I have enclosed a hard copy of the exhibits for Plaintiff's Memorandum of Law in Opposition to Defendant's Motion to Dismiss Complaint that was filed on September 15, 2005 in the above-captioned matter. If you should have any questions, please feel free to contact the office at any time.

Very truly yours,

Kristin Schmidt Paralegal/Research Coordinator

KES Enclosures

Exhibit A

PUB:ONEDOCKET

IN THE COURT OF COMMON PLEAS OF LEHIGH COUNTY, PENNSYLVANIA CIVIL DIVISION

SUITS DOCKET

AS OF 07-Sep-2005 08:51:13

:CASE # 2004-C-3259 : CIVIL ACTION SUMMONS

TRANSFERRED TO U S DISTRICT CRT E DISTRICT OF PA

DONNA HEATER 57 MADISON LANE WHITEHALL PA 18052 DONALD P. RUSSO , ESQ.

VS KIDSPEACE KIDSPEACE DRIVE

OREFIELD PA 18069

SEAN M HART , ESQ.

29-Nov-2004 CPT02 PRAE FOR SUMMONS. WRIT EXIT.

2 PRAE TO REISSUE WRIT OF SUMMONS. SUMMONS RE-ISSUED. 02-Feb-2005

3 PRAE TO REISSUE WRIT OF SUMMONS. SUMMONS RE-ISSUED. 22-Mar-2005

4 SHRF RTN REISSUED SUMMONS: LEHI CO DPTY SHRF SERVED DFT ON 3/24/05 @ 1423 HRS. 29-Mar-2005

13-Jul-2005 CPT01 COMPLAINT, NOTICE TO DEFEND. DAMAGES PRAYED FOR IN COUNT I ISSUE A DECLARATORY JDGT DECLARING THAT THE DISCRIMINATORY PRACTICES SET FORTH ARE UNLAWFUL, ENTER JDGT IN AN AMT OF DAMAGES INCLUDING LIQUIDATED DAMAGES, OTHER RELIEF, ATTY FEES & COSTS. COUNT II DFT BE PERMANENTLY ENJOINED FROM DIS-CRIMINATING AGAINST PLTF ON ANY BASIS FORBIDDEN BY THE AMERICANS WITH DISABILITIES, PUNITIVE DAMAGES, INTEREST ON UNPAID WAGES, COSTS, ATTY FEES & OTHER RELIEF. COUNT III DFT BE PERMANENTLY ENJOINED FROM DISCRIMINATING AGAINST PLTF ON ANY BASIS FORBIDDEN BY THE APPLICABLE LAW PROHIBITING RE-TALIATION, PUNITIVE DAMAGES, INTEREST ON UNPAID WAGES, COSTS

29-Jul-2005 STC04 STAT CONF SCHEDULED 08/10/2005@10:30 AM CR# 3B BEFORE LJB,J

MINED BY THE COURT. EXHIBITS ATTACHED.

)4-Aug-2005

DFT'S APPLICATION FOR CONTINUANCE FROM 8/10/05 STATUS CONFERENCE IS GRANTED & CASE IS CONTINUED TO 9/21/05 @ 10:00 /S/ L J BRENNER J.

19-Aug-2005

DFT'S NOTICE OF FILING OF NOTICE OF REMOVAL & 1 CERTIFIED COPY OF NOTICE OF REMOVAL TO U S DISTRICT CRT FOR THE E DISTRICT OF PA. AFDT OF SERVICE. EXHIBITS ATTACHED.

ATTY FEES & OTHER RELIEF. COUNT IV IN AN AMT TO BE DETER-

7-Sep-2005 ___ CASE TRANSFERRED TO US DISTRICT COURT FOR EASTERN DISTRICT OF PA VIA CERTIFIED MAIL #7160 3901 9842 5405 4259 (1 ENVELOPE).

* PUB: ONEDOCKET*

IN THE COURT OF COMMON PLEAS OF LEHIGH COUNTY, PENNSYLVANIA CIVIL DIVISION

SUITS DOCKET

AS OF 07-Sep-2005 08:51:13

:CASE # 2004-C-3259 :

CIVIL ACTION SUMMONS

TRANSFERRED TO U S DISTRICT CRT E DISTRICT OF PA

07-Sep-2005 LIST OF DOCKET ENTRIES FOR CASE # 2004-C-3259
MAILED TO D P RUSSO ESQ & S M HART ESQ ON 9/7/05.

FEE TYPE	DATE	AMOUNT PAYDATE PAYOR REMARKS
NEW SUIT	29-Nov-2004	\$87.00 29-Nov-2004 PLTF
SATISFACTION FEE	29-Nov-2004	\$8.00 29-Nov-2004 PLTF
JUDICIAL COMPUTER PROGRA	M 29-Nov-2004	\$10.00 29-Nov-2004 PLTF
PROTHY AUTO TAX	29-Nov-2004	\$5.00 29-Nov-2004 PLTF
LEHIGH COUNTY E-FILING	29-Nov-2004	\$5.00 29-Nov-2004 PLTF
SHERIFF'S RETURN	29-Mar-2005	\$43.00 29-Mar-2005 PLTF
TRANSFER FEE	29-Aug-2005	\$16.00 29-Aug-2005 DFT

Caugh. Clerk of Courts of the Court of Common unight County. Allemown, PA do certify that this is a secured topy of the original record filed in said Court. Andrea E. Naugle, Clerk of Courts.

OS Cypachias Brudenile

Exhibit B

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DONNA HEATER,

Plaintiff

No. 2:05-cv-4545

v.

:

KIDSPEACE,

JURY TRIAL DEMANDED

Defendant

AFFIDAVIT

I, Donald P. Russo, being duly sworn according to law, hereby depose and say as follows:

- 1. On behalf of my client, Donna Heater, on November 29, 2004, I filed a Praecipe for Writ of Summons with the Clerk of Courts, Civil Division, Lehigh County Court of Common Pleas.
- 2. At the time that I filed the Praecipe for Writ of Summons, I provided the Clerk of Courts with a check in the amount of \$ 40.00, check # 9610, a true and correct copy of which is attached hereto and incorporated herein as Exhibit "A".
- 3. At the time that I filed the aforementioned Praecipe for Writ of Summons on November 29, 2004, I also provided the Clerk of Courts with the following documents: an original and two copies of the Praecipe for Writ of Summons, Sheriff's Order for Service form, a check #9609 for \$115.00 made payable to "Clerk of Courts, Lehigh County" and self-addressed stamped envelopes for return of service, copies of which are attached hereto and incorporated herein as Exhibit "B".

- 4. Subsequently on March 18, 2005, I sent a letter with enclosures to the Clerk of Courts inquiring about service of the Writ of Summons. I have attached hereto and incorporated herein as Exhibit "C", a true and correct copy of the aforementioned correspondence.
- 5. As noted by the docket entries issued by the Clerk of Courts, Civil Division,
 Lehigh County Court of Common Pleas, the Sheriff of Lehigh County served the Writ of
 Summons on the Defendant on March 24, 2005. The return of Sheriff's Service form is attached hereto and incorporated herein as Exhibit "D".

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS _____ DAY OF SEPTEMBER 2005.

Jonuld P. Cusso

DONALD P. RUSSO

EXHIBIT A

9610	00.0% \$ 1	Zim 3 Quand	**E 5 10
DONALD P, RUSSO ATTY AT LAW 117 E BROAD ST. P.O. BOX 1990 BETHLEHEM, PA. 18016	PAV TO THE OWDEN OF SIA	Small Business Services Small Business Services FOR CANA HOUSEN-SIMMEN	**E5570 66800 THEE COSTECT #OT GOOD#

EXHIBIT B

IN THE COURT OF COMMON PLEAS OF LEHIGH COUNTY, PENNSYLVANIA

CIVIL DIVISION

Plaintiff(s) & Address(es):	:
Donna Heater 57 Madison Lane Whitehall, PA 18052	File No.
VS.	Civil Action - LAW
Defendant(s) & Address(es):	:
KidsPeace KidsPeace Drive Orefield, PA + 8069 PRAECIPE	FOR SUMMONS
TO THE PROTHONOTARY/CLERK OF SAID COURT:	
Issue summons inCIVIL ACTION - LAW in the above case.	
x Writ of Summons shall be issued and forwarded to	o Sheriff.
Date: 11 / 2 8 / 3 1	Signature of Attorney Denaid P. Russo, Esquire 117 Fast Broad Street P.O. Box 1390 Bethlehem, PA 18016-1890 (610) 954-3093 Supreme Court ID Number 25873
• •	. * * *
SUMMON5 I	N CIVIL ACTION
TO: <u>KidsPeace, KidsPeace Drive, Orefield, PA 18069</u> YOU ARE NOTIFIED THAT THE ABOVE-NAMED PLA AGAINST YOU.	INTIFF(S) HAS HAVE COMMENCED AN ACTION
	ANDREA E. NAUGLE, CLERK OF COURT Prothonotary/Clerk, Civil Division
Date:	by Deputy
NOTE USE AN ATTACHED SHEET FOR LENGTHY LEGILING PARTY IS TO COMPLETE BOTH PRACE	IST OF LITIGANTS

(a)

IN THE COURT OF COMMON PLEAS OF LEHIGE COUNTY, PENNSYLVANIA

CIVIL DIVISION

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Plantifi(s) & Addresstes):	3334 0 3 3270
	FILENO 2004.0.3259
Donna Heater	Market Company of the company of the company of the special of the company of the
57 Madison Lane	
Whitehall, PA 18052	
V5.	Civil Action - LAW
Defendant(s) & Address(es):	The first of the state of the s
N. Julyana	; •
KidsPeace	
KidsPence Drive	·
Orefield, PA 18069 PRAECIPE F	OR SUMMONS
TO THE PROTHONOTARY CLERK OF SAID COURT:	
Issue summons in CIVIL ACTION - LAW	
in the above case.	
•	Ch. Life
x Writ of Summons shall be issued and forwarded to	aneriii.
	O OPP
	Wonald Krysso
	Signature of Attorney
	Donald P. Russo, Esquire
	117 East Broad Street
	P.O. Box 1899
	Bethlehem, PA 18016-1890
so han a fine	(610) 954-8093 Supreme Court ID Number 25873
Date. 11/2 1/24	Supreme Com: 18 Admite
• •	* * *
SUMMONS IN	CIVIL ACTION
10: KidsPance, KidsPeace Drive, Orefield, PA 18069	
YOU ARE NOTIFIED THAT THE ABOVE-NAMED PLATE AGAINST YOU	NTIFF(S) HAS HAVE COMMENCED AN ACTION
	AND THE STATE OF THE OF THE PARTY OF THE PAR
	ANDREAE, NAUGLE, CLERK OF COURT
	Prothonotary Clerk, Civil Division
Date: 11-29-69	on Neuro & Dorghans
MITTER 100 1942 - (M. A. W. V.). THE CO. T. C.	Deputy
NOTE: USE AN ATTACHED SHELT FOR LENGTHY LIFEHING PARTY IS TO COMPLETE BOTH PRACE	IST OF LIFTGANIS. TIPE & WRIT TO ENPEDITE PROCESSING.

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Capital

IN THE COURT OF COMMON PLEAS OF LEHIGH COUNTY, PENNSYLMANIA

CIVIL DIVISION

1) h.	
Piamitif(s) & Address(cs)	
Donna Heater	FRONO 2004.0.3259
57 Madison Lane	:
Wintehall, PA 18052	:
vs.	Civil Action - LAW
Defendant(s) & Address(es):	:
KidsPeace	· :
KidsPeace Drive Orefield, PA 18069	
PRAECIPE	FOR SUMMONS
TO THE PROTHONOTARY CLERK OF SAID COURT:	
Issue summons inCIVIL ACTION - LAV	
in the above case.	
x Writ of Summons shall be issued and forwarded	o Sheriff.
	Ouppon
	Signature of Attorney
	Donald P. Russo, Esquire
	117 East Broad Street
	P.O. Box 1890 Bethlehem, PA 18016-1890
on Windson	(610) 954-3093 Supreme Court ID Number 23873
Date 11/2 1/29	Supreme Court of Sumon
•	* * 4 *
<u>SUMMONS</u>	IN CIVIL ACTION
TO: <u>KidsPeace, KidsPeace Drive, Orefield, PA. 18069</u> YOU ARE NOTIFIED THAT THE ABOVE-NAMED PLA	(INTIFF(S) HAS HAVE COMMENCED AN ACTION
AGAINST YOU.	
	ANDREA E. NAUGLE, CLERK OF COURT Prothonotary Clerk, Civil Division
Date: 11-34-64	on Dearn & Delshama
	Deputy
SOLE USE AN ATTACHED SHEET FOR LENGTHY	AULIST NOS ESTANDISCATION

NOTE: USE AN ATTACHED SHEET FOR LENGTHY LIST OF LITIGANTS.
FILING PARTY IS TO COMPLETE BOTH PRAECIPE & WRITTO EXPLOITE PROCESSING.

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Case 2:05-cv-04545-BMS Document 5 Filed 09/22/05 Page 14 of 42

LEHIGH COUNTY SHERIFF

455 WEST HAMILTON STREET-ROOM 106-ALLENTOWN, PA 18101 TELEPHONE #(610) 782-3175 FAX #(610) 820-3368

DATE 11/29/04	,		CASE NUMBER
**(R FOR SERV	
ALL INFORMATION & ADVAN	CE FE	ES MUST BE	SUPPLIED BEFORE SERVICE WILL BE
MADE.	ONE I	FORM FOR E	ACH ADDRESS
ATTORNEY'S NAME Donald P. Russo, Esquire			o,Esquire
ADDRESS	117 E. Broad St., P.O. Box 1890		
	Beth		18016-1890
ATTORNEY'S I.D.# TELEPHONE#	(61	25873 0) 954-809	3
IELEPHONE #		kungara dalah di kecalajaran mendengan dalam dalam dalam dan dalam dalam dalam dalam dalam dalam dalam dalam d	Assistantian the second approximation of the second control of the
CASE CAPTION:			
Donna Heater, Plaintiff			KidsPeace, Defendant
57 Madison Lane	***************************************	· VS	KidsPeace Drive
Whitehall, PA 18052		•	Orefield, PA 18069
SERVICE TO BE MADE ON	Defe	ndant, Kids	sPeace
ADDRESS FOR SERVICE	KidsPeace Drive		
TIDDIQ.03 FOR OBJECTED	Orefield, PA 18069		
	(NO	POST OFFIC	E OR RD NUMBERS ACCEPTED)
****DEPOSIT	FOR	LEHIGH (COMPLAINT IN CIVIL ACTION REINSTATED COMPLAINT WRIT OF REVIVAL OTHER COUNTY \$ 40.00 ****
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SPECIAL INSTRUCTIONS:			
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REGISTERD MAIL		(OUTSIDE OF	THE UNITED STATES <u>ONLY</u>)
REGULAR MAIL		CERTIF	IED MAIL
POST PROPERTY	THE RESERVE OF THE PROPERTY OF	.)
OTHER			

WITHOUT A SELF-ADDRESSED STAMPED ENVELOPE TO YOUR OFFICE FOR MAILING OF RECEIPT AFTER SERVICE IS COMPLETED, YOUR INFORMATION WILL BE FILED IN OUR OFFICE. ******PLEASE SEE www.lehighcounty.org

DONALD P. RUSSO ATTY ALW 117 E BROND ST. P.O. BOX 1890 BETHLEHEM, PA 18016
TOTHER CLEAN OF COURTS Letish Courty 1\$ 115.00
Ou hundred Riften
Small Business Services April 200 100 100 100 100 100 100 100 100 100
#009E09# 1:0212003394 0087? 04523#
DONALD P. RUSSO ATTY AT LAW 117 E BOX VIDES CONTROL TO SOLVE AND ST.
TOTITE Sheriff lehigh County
Lost A Floot
FOR CLOSA HOUSEN S. Small Business Services FOR CLOSA HOUSEN S. Small Business Services

Exhibit C

Lee Offices

Donald P. Russo

HT East Broad Street

P.O. Box 1890

Pothlohom, Donnsylvania 18016-1890 russolari@verizon.net.

Telephone (610) 954-8093

March 18, 2005

Toletiax (610) 954-8097

Andrea Naugle, Prothonotary Lehigh County Courthouse 455 West Hamilton Street Allentown, PA 18101-1614

Re:

Heater v. KidsPeace No. 2004-C-3259

Dear Ms. Naugle:

I would like to file a complaint regarding a matter that has been lingering in your office for several months. On November 29, 2004, I filed a Praecipe for Writ of Summons, and I also filed all of the necessary documentation to have the Sheriff of Lehigh County complete Sheriff's Service. I have enclosed said documents marked as Exhibits "A", "B", "C" & "D" for identification.

We subsequently learned from the Sheriff's office that service had not been made, apparently because your office failed to forward the documents to the Sheriff's office. I spoke with a clerk from your office to discuss this matter. She told me that all we needed to do was to forward the proper documentation to the Sheriff's office (i.e. Order for Service Form and the check for \$40.00) and the Prothonotary would forward the Writ of Summons to the Sheriff's office. She also informed me that there would be no need to file a Praccipe to Reinstate the Writ of Summons. I have enclosed said documents marked as Exhibits "E", "F", "G" & "H". My paralegal then contacted the Sheriff's office a few days later and found out that the Praccipe for Writ of Summons had expired and we needed to file a Praccipe to Reinstate the Writ of Summons.

As a result, on February 1, 2005, my paralegal appeared at your office <u>personally</u> to file a Praecipe to Reinstate. I have enclosed a copy of said document, marked Exhibit "I" for identification. Unfortunately, I now learn, on Friday, March 18, 2005, (as per a conversation between my paralegal Kristin Schmidt and Cathy from the Sheriff's office), that the Writ of Summons has <u>still</u> not been filed.

In the final analysis, all I am seeking is to please have the Writ of Summons in this case forwarded to the Sheriff's office, and, to please request that the Sheriff's office complete necessary service of process. If the Writ of Summons has again expired, I have enclosed an original and two copies of a Praecipe to Reinstate the Writ of Summons for filing as well as a

Andrea Naugle, Prothonotary March 18, 2005 Page 2

self-addressed stamped envelope. I would appreciate it very much if you would please confirm in writing that this request has been made. Thank you for your anticipated cooperation in this matter.

Very truly yours,

Donald P. Russo

Donald P Kusso Fir

Enclosures

cc: The Honorable Ronald Rossi

EXHIBIT A

Law Cilices

Donald P. Russo

117 East Broad Street P.O. Bex 1890

Bethlehem, Pennsylvania 18015-1890

Telephone (610) 954-8093

Telefax (510) 954-8097

November 29, 2004

VIA HAND DELIVERY

Andrea E. Naugle, Clerk of Courts Lehigh County Courthouse 455 Hamilton Street Allentown, PA 18101-1614

Donna Heater v. KidsPeace Re:

Dear Ms. Naugle:

I have enclosed the following documents for filing with your office:

- Original and two copies of Praecipe for Writ of Summons; (1)
- Sheriff's Order for Service form; (2)
- Two checks: #9609, made payable to "Clerk of Courts, Lehigh County", (3) \$115.00; and #9610, made payable to "Sheriff, Lehigh County", \$40.00; and
- Self-addressed stamped envelopes for return of service. (4)

Kindly file the Praecipe for Writ of Summons, return the time-stamped copies to my paralegal, and, forward the remaining documentation to the Sheriff's Office for service. If you have any questions, please feel free to give me a call.

Very truly yours,

Carry IF Recording Donald P. Russo

DPR bbd

Enclosures

EXHIBIT B

IN THE COURT OF COMMON PLEAS OF LEFEGH COUNTY, PENNSYLVANIA

CIVIL DIVISION

Plainiff(s) & Address(2s):	
Donna Heater	File No.
57 Madison Lane	
Whitehall, PA 18052	;
V5.	Civil Action - LAW
Defendant(s) & Address(es):	
KidsPeace	
KidsPeace Drive	:
Orefield, PA 18069 PRAECIPE	F FOR SUMMONS
TO THE PROTHONOTARY/CLERK OF SAID COURT:	
terms summons in CIVIL ACTION - LAV	W.
in the above case.	
	ar ree
Writ of Summons shall be issued and forwarded	to Sheriff.
	O P
	Sonald Krusso
	Signature of Attorney
	Donald P. Russo. Esquire
	117 East Broad Street P.O. Box 1890
	P.O. Box 1890 Bethlehem, PA 18016-1890
	(610) 954-8093
Date: 11/23/32	Supreme Court ID Number 25873
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*	• • • •
<u>SUMMONS</u>	IN CIVIL ACTION
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AGAINST YOU	
	ANDREA E. NAUGLE, CLERK OF COURT
	Prothonotary/Clerk, Civil Division
	by
Date:	Deputy
NOTE: USE AN ATTACHED SHEET FOR LENGTHY	LIST OF LITIGANTS.



IN THE COURT OF COMMON PLEAS OF LEHIGH COUNTY, PENNSYLVANIA

CIVIL DIVISION

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Plaintiffes) & Addresstes):		:	2 3 mm	
		File No. 2004. C	. 2754	
Donna Heater			all the special considerate delicate and considerate and all and	
57 Madison Lane		,		
Whitehall, PA 18052		•		
VS.		: Civil Action - LAW		
Defendant(s) & Address(es):		·	The state of the s	
KidsPeace		· •		
KidsPeace Drive	•	•		
Orefield, PA 18069	pa . France FA	; in custatonic		_
	PRAECIPE FO	IK SUMMONS	***	Ð
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in the above case.				
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		Bethlehem, PA 18016-189	0	
	·	(610) 954-8093		
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	# * *	• •		
	SUMMONS IN	CIVIL ACTION		
10: KidsPeace, KidsPeace	Drive, Orefield, PA 18064	TIEE/S) HAS HAVE COMMENCE	ID AN ACTION	
	HE ABOVE-NAMED PLAIN	TIFF(S) HAS HAVE COMMENCE	U AN ACTION	
AGAINST YOU.				
		ANDREA E. NAUGLE, C	LERK OF COURT	
		Prothonotary/Clerk, Civil D	Division	
		^ / ^ -	ł.	
Date: 11-19-69		on Means of Der	Mana	
Date: 11 3	- Marin and Miching and American States in the Company of the Comp	CY CANADA CONTRACTOR OF THE CO	Deputy	
NOTE: USE AN ATTACHED	SHEET FOR LENGTHY LIS	ST OF LITIGANTS.		
FILING PARTY IS TO	COMPLETE BOTH PRAECI	IPE & WRIT TO EXPEDITE PROC	FSSING.	

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IN THE COURT OF COMMON PLEAS OF LEHIGH COUNTY, PENNSYLVANIA

$H^{\frac{2}{2}n}$	<u>. DIVISION</u>
Plaintiff(s) & Address(es):	File No. 2004. C . 3259
Donna Heater 57 Madison Lane Whitehall, PA 18052	
VS.	Civil Action - LAW
Defendant(s) & Address(es):	:
KidsPeace KidsPeace Drive Orefield, PA 18069	FOR CLAMOVS
	FOR SUMMONS CONTRACTOR OF THE PROPERTY OF THE
TO THE PROTHONOTARY/CLERK OF SAID COURT:	
Issue summons in <u>CIVII. ACTION - LAW</u> in the above case.	
x Wra of Summons shall be issued and forwarded to	o Sheriff.
	Signature of Atterney
Date 11/2/1/21	Donald P. Russo, Esquire 117 East Broad Street P.O. Box 1890 Bethlehem, PA 18016-1890 (610) 954-80:3 Supreme Court ID Number 25873
*	* * * *
SUMMONS !	IN CIVIL ACTION
TO. <u>KidsPeace, KidsPeace Drive, Orefield, PA. 18069</u> YOU ARE NOTIFIED THAT THE ABOVE-NAMED PLA AGAINST YOU.	INTIFF(S) HAS HAVE COMMENCED AN ACTION
	ANDREA E. NAUGLE, CLERK OF COURT Prothonotary Clerk, Civil Division
Date: 11) 4 0 9	by Alan & Dershange
NOTE—USE AN ATTACHED SHEET FOR LENGTHY	Co Deputy

FILING PARTY IS TO COMPLETE BOTH PRAECIPE & WRIT TO EXPEDITE PROCESSING.

EXHIBIT C

LEHIGH COUNTY SHERIFF

455 WEST HAMILTON STREET-ROOM 106-ALLENTOWN, PA 18101 TELEPHONE #(610) 782-3175 FAX #(610) 820-3368

DATE 11/25/04	CASE NUMBER			
	ORDER FOR SER			
ALL INFORMATION & ADVAN	CE FEES MUST BE	SUPPLIED BEFORE SERVICE WILL BE		
MADE.	ONE FORM FOR E	ACH ADDRESS		
ATTORNEY'S NAME	Donald P. Russo, Esquire			
ADDRESS	117 E. Broad St., P.O. Box 1890			
	Bethlehem, PA 18016-1890			
ATTORNEY'S I.D.# TELEPHONE #	25873 (610) 954-809	3		
TELEFRONE #				
CASE CAPTION:				
Donna Heater, Plaintiff		KidsPeace, Defendant		
57 Madison Lane	VS	KidsPeace Drive		
Whitehall, PA 18052		Orefield, PA 18069		
SERVICE TO BE MADE ON	Defendant, Kid	sPeace		
ADDRESS FOR SERVICE	KidsPeace Drive			
	Orefield, PA 18069			
	(NO POST OFFIC	E OR RD NUMBERS ACCEPTED)		
TYPE OF PAPER: COMPLAINT IN MORTGAGE FORECLO. REINSTATED COMPLAINT IN MORTGA SUMMONS IN CIVIL ACTION REISSUED SUMMONS IN CIVIL ACTION	GE FORECLOSURE	COMPLAINT IN CIVIL ACTION REINSTATED COMPLAINT WRIT OF REVIVAL OTHER		
****DEPOSIT	FOR LEHIGH	COUNTY \$ 40.00 ****		
DEPOSIT FO	R	COUNTY S		
SPECIAL INSTRUCTIONS:	COLNITY (N)	ITHIN PENNSYLVANIA <u>ONLY)</u>		
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REGISTERD MAIL	(OUTSIDE OF	THE UNITED STATES ONLY)		
REGULAR MAIL	CERTIF	TED MAIL		
POST PROPERTY	· ·			
OTHER				

WITHOUT A SELF-ADDRESSED STAMPED ENVELOPE TO YOUR OFFICE FOR MAILING OF RECEIPT AFTER SERVICE IS COMPLETED, YOUR INFORMATION WILL BE FILED IN OUR OFFICE.

*****PLEASE SEE www.lehighcounty.org

EXHIBIT D

6096
DONALD F. HUSSO ATTV AT LAW 117 E BROAD ST. P.O. BOX 1890 BETHLEHEM, PA. 18016 SS-13/212
PAYTHE CLEUK OF COURS LEMISH CO
od sittlern
FOR DO: COP Winders Survices Services Down B. Dums B. Dellis
1201 #603800#
DONALD P. RUSSO
117 E BROAD ST. P.O. BOX 1880 BETHLEHEM, PA 18016 DATE $1/(1/2) = 1/(1/2)$
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Ap. 144 (2) Floot
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EXHIBIT E

Law Offices

Donald P. Russo

HT East Broad Street

P.O. Box 1890

Bethlehem, Pennsylvania 18016-1890

russolaw@verizon.net

January 11, 2005

Telefax (6)(0): 954-8097

Attn: Tara (Civil Process)
Sheriff's Office
County of Lehigh
455 West Hamilton Street, Room #106
Allentown, PA 18101

Re:

Heater v. KidsPeace

2004-C-3259

Dear Tara:

Telephone

(610) 954-3093

I have enclosed an Order for Service form and check #9610 payable to Sheriff, Lehigh County in the amount of \$40.00, as well as self-addressed stamped envelope relative to the above captioned matter. Accordingly, the Clerk of Courts will be forwarding a Writ for Service in connection with the above-captioned matter. If you should have any questions, or need any additional documentation, please feel free to contact my office at any time. Thank you for your anticipated cooperation.

Very truly yours,

Morald P. Crason

Donald P. Russo

DPR/kes Enclosures

SHERIFF'S OFFICE COUNTY OF LEHIGH The state of the s 455 W. HAMILTON ST.; ROOM 106 ALLENTOWN, PA 18101 PHONE 610-782-3175 * FAX 610-820-3368 TARA (CIVIL PROCESS) #7538

THE ENCLOSED IS BEING RETURNED FOR THE FOLLOWING REASONS:

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IN RE:	CASE#
	Donne Haber 15 Katarones
SERVI	NEED TO COMPLETE THE FOLLOWING COUNTY ORDER FOR ICE FORMS IN ADDITION TO LEHIGH COUNTY'S FORM. GHENY LANCASTER
MONR	ROE WESTMORELAND
ORDEI	R FOR SERVICE NEEDS TO BE COMPLETELY FILLED OUT.
WE RE	EQUIRE A STREET ADDRESS. WE DO NOT ACCEPT P.O. BOX #'S.
WE RE	EQUIRE A SELF ADDRESSED STAMPED ENVELOPE TO YOUR CE PER CASE.
ADVA?	NCED FEE REQUIRED: NOTE: WE <u>DO NOT</u> REFUND PAYABLE TO THE SHERIFF OF LEHIGH COUNTY. PAYABLE TO THE SHERIFF OFCOUNTY.
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SHERIFF'S OFFICE COUNTY OF LEHIGH 455 W. HAMILTON ST.; ROOM 106 ALLENTOWN, PA 18101 PHONE 610-782-3175 * FAX 610-820-3368 TARA (CIVIL PROCESS) #7538

TARA (CIVIL PROCESS) #7538 THE ENCLOSED IS BEING RETURNED FOR THE FOLLOWING REASONS:

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IN RE:	CASE#
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VOU	NEED TO COMPLETE THE FOLLOWING COUNTY ORDER FOR
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ALLE	GHENY LANCASTER
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WE R	EQUIRE A STREET ADDRESS. WE <u>DO NOT</u> ACCEPT P.O. BOX #'S.
	EQUIRE A SELF ADDRESSED STAMPED ENVELOPE TO YOUR CE PER CASE.
ADVA	NCED FEE REQUIRED: NOTE: WE <u>DO NOT</u> REFUND PAYABLE TO THE SHERIFF OF LEHIGH COUNTY. PAYABLE TO THE SHERIFF OFCOUNTY.
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LEHIGH COUNTY SHERIFF

455 WEST HAMILTON STREET-ROOM 106-ALLENTOWN, PA 18101 TELEPHONE #(610) 782-3175 FAX #(610) 820-3368 DATE 11/29/04 CASE NUMBER "ORDER FOR SERVICE" ALL INFORMATION & ADVANCE FEES MUST BE SUPPLIED BEFORE SERVICEWILL BE MADE. ONE FORM FOR EACH ADDRESS Donald P. Russo, Esquire ATTORNEY'S NAME 117 E. Broad St., P.O. Box 1890 **ADDRESS** Bethlehem, PA 18016-1890 25873 ATTORNEY'S I.D.# (610) 954-8093 TELEPHONE # CASE CAPTION: Donna Heater, Plaintiff KidsPeace, Defendant KidsPeace Drive 57 Madison Lane VS Orefield, PA 18069 Whitehall, PA 18052 Defendant, KidsPeace SERVICE TO BE MADE ON KidsPeace Drive ADDRESS FOR SERVICE Orefield, PA 18069 (NO POST OFFICE OR RD NUMBERS ACCEPTED) TYPE OF PAPER: COMPLAINT IN CIVIL ACTION COMPLAINT IN MORTGAGE FORECLOSURE REINSTATED COMPLAINT IN MORTGAGE FORECLOSURE REINSTATED COMPLAINT WRIT OF REVIVAL SUMMONS IN CIVIL ACTION OTHER REISSUED SUMMONS IN CIVIL ACTION ****DEPOSIT FOR LEHIGH COUNTY \$ 40.00 **** DEPOSIT FOR COUNTYS SPECIAL INSTRUCTIONS: DEPUTIZE COUNTY (WITHIN PENNSYLVANIA ONLY) REGISTERD MAIL (OUTSIDE OF THE UNITED STATES ONLY) REGULAR MAIL_____ CERTIFIED MAIL POST PROPERTY

WITHOUT A SELF-ADDRESSED STAMPED ENVELOPE TO YOUR OFFICE FOR MAILING OF RECEIFT AFTER SERVICE IS COMPLETED, YOUR INFORMATION WILL BE FILED IN OUR OFFICE. ******PLEASE SEE www.lehighcounty.org

EXHIBIT H

9610	7	lu	77 OLS23#
DONALD P. RUSSO ATTY AT LAW 117 E BROAD ST. P.O. BOX 1880 BETHLEHEM, PA 18016	FORTHER Sheriff (chrish County	FIPEL Small Business Services AND AND HOUSEN-SAMMON FOR B. AND HOUSEN-SAMMOND	##E2570 22800 #BEE0021201 #O18600#

EXHIBIT I

IN THE COURT OF COMMON PLEAS OF LEHIGH COUNTY, PENNSYLVANIA CIVIL DIVISION

DONNA HEATER,		•		
Plaintiff,		*		
KIDSPEACE.		*	FILE NO: 2004-C-3259	
Defendant.		•		
		•		
		•		
				·
	<u>PR</u>	AECIPE TO REINSTA	ATE OR REISSUE	
TO THE CLERK OF CO	DURTS - CIVIL I	DIVISION:		
Reinst	nte the Complain	nt in the above caption	ned matter.	HYPA 11.36
_X Reissu	e the Writ of	Summons	in the above captioned m	atter.
Other;				
Data - Faharan 4 200	re		Danued P. 10 (Signature	anne -
Date: February 1, 20/	∵ ₩		(Signature)
			Donald P. Russo, I (Print/Type	Esquire, ID#25873 e Name)

IN THE COURT OF COMMON PLEAS OF LEHIGH COUNTY, PENNSYLVANIA CIVIL DIVISION

DONNA HEAT	TER,	*		
Plainti	iff ,	•		
		*	FILE NO: 2004-C-3259	
KIDSPEACE,		•		
Defendant.		*		
		•		
		•		
	PRAECIPE TO RI	EINSTAT	E OR REISSUE	
TO THE CLERK OF COURTS - CIVIL DIVISION:				
THE PROPERTY AND PROPERTY OF THE PROPERTY OF T	Reinstate the Complaint in the above	captioned	d matter.	
<u> </u>	Reissue the Writ of Summons		in the above captioned matter.	
	Other:			
Data: March	18 2005		Donald P. Eusa (Signature)	
Date: March 18, 2005			(Signature)	
			Donald P. Russo, Esquire, ID#25873 (Print/Type Name)	
			And the second of the second o	

Exhibit D

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3/23

SHERIFF OFFICE COURTHOUSE - STH & MAMILTON STREETS 455 W HAMILTON ST

RECOM TOS ALLENTONO PA 18101-1614

DOMNA HEATER VS NIDSPEACE ENC DOC#: 2005-CV-1005 CASE: 2004-C-1259 EXPIS: 91-Agr-2005 DEPOSIT: 43.00

E. C. Sell-Seed E. Seen ETT See Speed		DEPOSIT: 45.00
	T COA	ENTRY: 23-har-200
VAIT : RETESUED SUMMONS IN CIVIL ACT SERVE: * KIDSPEACE INC	1.00	
AT : KIDSPEACE DRIVE OREFIELD, PA	18069	
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MAME OF INDIVIDUAL SERVED:	SAN LEYRONN	an i der merzen ver versteb en verde en tre van i van de verd
. RELATIONSHIP TO DEFENDANT: (al	npliance Officer	videa manife mp p select Alguns -a general garden ar de manife a según ar garden ar g
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LOCATION OF SERVICE: 4085 TNDER		
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F. UNABLE TO LOCATE: () NUMBER OF ATTEMPTS TO LOCATE	TE DEFENDANT AT LAST KN	CWN ADDRESS:
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T. DATE & TIME		
f. DATE & TIME	6. DATE & TIME	errir ellikatelikkisik var vasi esperante, aleksimiseluskusluskusluskus vai punuurin varin var vasi esperante
ACCEPTANCE OF	SERVICE	
HEREBY ACCEPT SERVICE OF THE LEGAL	PROCESS AS OUTLINED ON	
OCUMENT. THIS SERVICE IS ACCEPTED OF HEREBY CERTIFY THAT I AM AUTHORIZE	o to po so. /	
Susan Lautura	\sim \sim \sim	
Susan Leyburn RINTED NAME OF AUTHORIZED AGENT	SIGNATURE OF AUTHORI	ZED AGENT
HTE: 3/24/05	THE: Compliance	OFFICOR
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LYRRY BUNGA WINT NAME OF DEPUTY SHERIFF		
and the second s	A R #40	
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	SHERIFF OF LEHIGH	COUNTY

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